

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 209 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed : NO  
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO  
of the judgement?
4. Whether this case involves a substantial question : NO  
of law as to the interpretation of the Constitution  
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

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NARSINHBHAI BABARBHAI PATEL

Versus

STATE OF GUJARAT

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Appearance:

MR HJ NANAVATI for Petitioner

MR SK PATEL, AGP for Respondent No. 1, 4

None present for other Respondent.

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/10/1999

ORAL JUDGEMENT

1. The petitioner, a teacher in the respondent No.3  
- school, by this petition under Article 226 of the  
Constitution of India, prays for the following reliefs.:

(A) allow this petition;

(B) declare that the petitioner is entitled to be placed in the selection of Rs.500-900 with an appropriate date and accordingly entitled to be placed in the corresponding revised pay scale of Rs.1640-2900 with effect from 1.1.1986;

(C) direct the respondents, their officers, agents and servants to place the petitioner in the Selection Grade of Rs.500-900 available to an Assistant Teacher of private Secondary School with an appropriate date and further direct them to pay the arrears to the petitioner as per the Government Resolution at Annexure "B";

(D) direct the respondents, their officers, agents and servants to revise the pay of the petitioner in the pay scale of Rs.1640-2900 with effect from 1.1.1986 and to fix the petitioner's pay at an appropriate stage in the said pay scale;

(E) pass such other and further orders as may be deemed fit in the interest of justice.

This petition has been admitted by this court on 2.4.1991 after notice to the respondents. Notice was given to the respondents on 16.1.1989, but they have not filed reply to this Special Civil Application, and court ultimately had no option, except to admit this petition. Thereafter, more than 8 years were there at the disposal of the State Government, it has not cared to file reply to this Special Civil Application. Learned counsel for the respondent - State prays for time to file reply to this matter. I do not find any justification in this prayer of the counsel for the State.

2. This writ petition is disposed of in the terms that this petition may be treated to be a representation of the petitioner. The respondent No.1 is directed to pass the order on it within a period of one month from the date of the receipt of the writ of this order. In case the claim of the petitioner is accepted, he shall be entitled for all the consequential benefits. Where the claim of the petitioner is not acceptable, a reasoned order be passed and the copy of the same be sent to the petitioner by registered post A.D. Liberty is granted to the petitioner for revival of this Special Civil Application in case of difficulty. Rule stands disposed

of accordingly with no order as to costs.

(S.K.Keshote,J.)

(pathan)